App. F IX-4

1927.

(9 mf)

File No. 95-27

Serial Nos. 1, 2, & 3

Previous References
File no 272-24
Sh 1-12

Later References

General and Revenue Secretariat.

Serial Nos. Three

Part B for January 1928

SUBJECT

Payment of rewards to impounders of cattle &

3 G.O. no 4097-8/mC 95-27-3 dt 9-1/28

Same to same

To 1 Dy Commissioner Shimoga

2 The Comptroller to Govt Bangalore

Recd 14-3-28

App. F III—2]

General and Revenue Secretariat.

File No 95 of 1927

Serial No.

1 Letter no M-S 212/27-28 dated 4.8.27 from the DC Shimoga forwarding a copy of the letter from the Dist Supt Police Shimoga regarding the payment of reward to the unpaid finder of cattle straying without a caretaker

2) It can be seen that the proviso of the section 12 or the sec 6 of the amendment allow or permit such payment of reward to the impounder of cattle But they warrant the levy of double the fine under sec 15(b) of the Cattle trespass act 1871 the payment of reward appears to have been authorised as it is explicitly stated that the fine collected may be utilised for "any other purpose connected with the execution of this Act"

Submitted for orders.

Sanction may be accorded

8/9/27

2) Sheriff proposal in case regd for granting reward - Ch B'lore etc Please see & bring up

9/9

Bldg H Sec 12
" U Sec 13
Mag " Sec 6 amendment

Draft letter

Note—Continue on sheet.

Copy 198-29

WD 6324 -GPS—60,000—24-5-27

24 33 98/ ✓ 598. App F III—8]

General and Revenue Secretariat — File No 95 of 1927

Serial No.

2) The practice of this kind is prevalent in Bangalore city municipality. The file No 198/1909 connected with the instance, was destroyed on account of the lapse of time.

flag 'W'

The monthly volume is put up vide flag U

KH 22/7/27

Draft, sanctioning, is submitted for approval

Please bring up [illegible] 20/10

4) The file, re the payment of reward to the impounders of cattle in the Paddock & Begur gardens & farms at Kunigal is put up.

flag 'X'

May be sanctioned in the case of Shimoga mlty

KH 14/11/27

Draft sanctioning is submitted for approval

5) May be approved under Sec 18(b) of the Cattle T Act

14/11/27 [illegible] 15/4

Please state the point on which my opinion is required

Gen & Rev Secy

Ist Member }
Hon Law Secy }

6) The point is whether granting rewards to impounders comes under 'other purposes' under sec 18(b) of the Cattle Trespass Act. Precedent for the rewards being authorised being not quite sure if it is correct MS 17/4

Law Secy

16/4 16/4

Note—Contn sheet.

WD 6294 -GPB-[illegible]—21 5-27

General and Revenue Secretariat. File No. 95 of 1927

Serial No

8) The granting of rewards may not I think, fall within the expression "for any other purpose connected with the execution of this Act"

9) This view was held by the Board of a G.O. dated 4th Feb 1893 was passed declaring the practice of granting rewards as illegal - P (Flag B)

But I found a Notification No. 9183 R.C. 10-Apy dated 10 May 1911 directing the levy of double Kandaka fine on every head of cattle liable to pay meat of half the fine to be issued as reward (Flag A)

9) The papers connected with this are not available here. These may be called for from the Board Comptroller Bangalore with a view to ascertain whether the former G.O. was considered or not.

9 on file with Conf[n] 8-11-27

10) Please put up Submit to Legal Remembrancer 25/11

RG 28/11

11) Draft as submitted, with reference to para 9, for approval.

29/11/27 30

12) 30/11

NOTE—Contn. sheet

5958 J1

App. F III—8]

General and Revenue Secretariat

File No 95 of 193 7

Serial No

2

Ens 1 6/12/27

Letter no L 8288 and 95 - 27 - 2 dated 5 12 - 27 to the Chief Commissioner Bangalore city requesting that the file bearing his C o 9183 dated 10 5 1911 may be forwarded to this office for urgent reference

Letter no E / 128 - 27 dated 13/12 - 12 - 27 from the Chief Commissioner Bangalore city forwarding the file requested above for reference

13) Attention is respectfully invited to flags A & C of the file (Flags) below (with ref to para 8(a) & (b) supra) for comments & Legal Remembrancer

22/12/27

14) 26/12

Law Secy)

15) I have read the C o dated 10 May 1911 (Flag C) There is no mention therein of the previous C o dated 4th Feb 1893 (Flag B)

16) Previous C o is contrary to the latter The question is which is in accordance with law

17) Sec 18 fixes fines according to the scale mentioned therein

18) Proviso to Sec 12, enables Govt to direct the levy of double fine under certain circumstances Let circumstances in respect of Shimoga area

Notes—Contin. sheet.

WD GSI ...FB—50,000—21 6 27

General and Revenue Secretariat ML File No 95 of 1927

Serial No

(19) The essential condition for the operation of the process is that the Govt are to be satisfied that in any local area "cattle" are habitually allowed to trespass on land & damage crops or other produce thereon'

(20) In the present case it is doubtful whether the pre condition is fulfilled, for the municipal council proposes to impound "cattle found straying in the streets of the town without a caretaker"

(21) There is no mention of trespass & damage to crops or other produce thereon

If there is illegal seizure or if the seizure is opposed to the provisions of the Regn the seizer will be subjected with damages (vide Sec 22)

(22) Hence any person seizing the cattle found straying in the streets without a caretaker may possibly run the risk of paying Compensation

(23) As regards payment of rewards to the seizers of the captured cattle, Sec 18 may not be so construed as to admit of such payment. for the expenses "or for any other purpose connected with the execution of this Act" means that the act of seizure must refer to

Can to those mentioned in the sentence on

General and Revenue Secretariat — File No 95 of 1927

Serial No

24) If the street interpretation is followed rewards to keepers may not be justified

25) But if the municipal commissioners whose funds the fines are credited, agree to pay any sum as reward to any keeper there will be no legal objection

26) It may perhaps be expedient not to say that half the fine levied will be paid as reward but to say that the keeper of cattle will be paid such a sum as the procedure seems unobjectionable

28 12 27

Genl Secy
Draft (compld)

27) Draft as put up typed

Draft is submitted for approval with reference to paras 25 & 26

Please retype & put up

App F 7 III—2

598 f

General and Revenue Secretariat — Mel File No 95 of 1927

Serial No

The Shimoga Municipality propose to pay a reward of 50/- & the fines levied under the Cattle Trespass Act to persons of cattle The legal Remembrancer thinks that the payment may be made but not as out of the fines Draft orders put up for approval Such payment has been sanctioned in the case of other municipalities previously

5677 16/1/28

MW 13/1/28

First Member

Ag 17/1/28

Secy

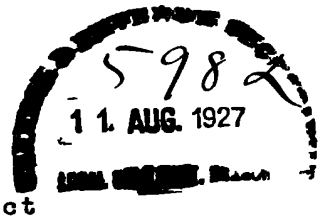
3 G O no 240 97-8/Mel 95-27-3 dated 19/1/28 to the DC Shimoga & the DCs of Other Dists & MC Commr Bangalore sanctioning the proposal

B Ag 25/1/28

NOTE—Contn sheet

No M 3 C 212/27-28

Office of the Deputy Commissioner,
Shimoga District
Dated, Shimoga 4th August 1927



From

B T Kesavaiengar, Esq , B A ,
Deputy Commissioner
Shimoga District

To

R Ranga Rao, Esq , B A ,
General Secretary to Government,
Bangalore

Sir,

In forwarding herewith a copy of letter No 81 dated 23rd July 1927, from the President of the Town Municipal Council of Shimoga in the matter of paying a reward to the Impounders of cattle straying in the streets without a caretaker, I have the honour to state that the action proposed to be taken by the Municipal Council is very necessary in the interest of the sanitation of the Town and also in view of the nuisance the stray cattle cause to traffic and the general public

2 It is reported that the revision of the pound fees is under the consideration of the Municipal Council and the offer of reward to the impounders at 50% of the fine recovered, is only an experiment which is proposed to be adopted for a period of three months

3 Under these circumstances I recommend the proposal for kind sanction of Government under Sec 12 of the cattle Trespass Act The resolution of the Municipal Council together with a list showing the prevailing rate of fines in the Municipality is enclosed for favour of reference and kind return

I have the honour to be
Sir,
Your most obedient servt

Deputy Commissioner
Shimoga District

2

Letter No 81 dated 23rd July 1927 from the President, Shimoga Town Municipality, to the Deputy Commissioner, Shimoga District

***

I have the honour to state that with a view to discourage cattle owners against the habit of letting off their animals in public streets without a caretaker, the Municipal Council at their meeting held on 30-6-1927 have resolved to pay a reward to the dmpounders of such animals tentatively for a period of three months

I request you to kindly obtained sanction of Government to give effect to the resolution under section 12 of the Cattle Tresspass Act, the amount of reward being fixed at 50% of the amount of fine recovered in each case

A list showing the prevailing rate of fines in this Municipality together with a copy of the resolution referred to above is submitted herewith

***

* C O P Y *

for Deputy Commissioner, (on Town)
Shimoga District

Proceedings of the Shimoga Town Municipal Council passed at their meeting held on 30th June 1927 ant 8-30 A.M..

Subject No. 4.

Proposal of the President recommending grant of a reward to persons impounding cattle found straying in the streets of the town without a caretaker.

The proposal of the President may be adopted tentatively for a period of ~~mm~~ three months. Meanwhile the question of ~~=~~ increasing the pound fees may be considered.

" Copy "

For President,

Town Muni. Council,

Shimoga.

Statement showing the rates of fine xxxxxxxxx r

for animals impounded in the Shimoga Town cattle

Animal	Rate
Elephant	2-0-0
Camel or buffalo	0-8-0
Horse, mare, gelding pony, colt filly, mule, bull, bullock, cow or heifer	0-4-0
Calf, ass or pig	0-2-0
Ram, ewe, sheep, lamb, goat or kid	0-1-0

P. V...

Shimoga,

23/7/1927

For President,

Shimoga Town Municipalit

App y VI Gl]

SUBJECT

Section mL
File No 95/27
Serial No 2

No. of letter replied to

No. L 3288

General and Revenue Secretariat
( )
the 192
12

Date of issue 5-H-27

Signed by Mr. S.R.V. Iyer

To The Municipal Commissioner through the President Bangalore city Mc Corpn Bangalore city

Sir,

I am directed to request you to be so good as to forward for reference and return your office papers Representation No 9183-26 1925-09-7 Jul. 10 5 11 leading to the re-practice of levying double the usual fine on cattle straying without a care taker and paying 5 C/ D- 11 to the impounder of such

List of enclosures

Copied by

Examined by

over

cattle; I also if this is not available
or any other papers bearing thereon
~~the~~ on the subject may
be sent

I have etc

K J
24/11/27

for Secretary to Govt

25/11/27

No E1-126/27-28

Encl Two files

CITY MUNICIPAL OFFICE

Bangalore City Dated 13th Dec 19 27

DNO 28882 S-5

21/12

From

T GOVINDA RQW Esq

MUNICIPAL COMMISSIONER CITY MUNCIPALITY

BANGALORE CITY

To

R RANGA RAO, Esq, B A, B L,
General Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore

Sir,

With reference to your letter No L 3288/M1 795-27-2 dated the 5th November 1927 (correctly the 5t December 1927) requesting to forward for reference the papers leading to the Notification No 9183/M1 198-00-7 dated the 10th May 1911 regarding the levy of double the usual fine on the impounded cattle and paying 50% of it to the impounders of such cattle, I have the honour to forward herewith for reference the file of papers relating to the above

The file may be returned when no longer required

I have the honour to be,

Sir,

Your most obedientservant,

T Govindadow

Municipal Commissioner

Forwarded with compliments.

Mohammedabhaskhan

Honorary President

DRR

Proceedings of the Govt. of H.H.
the Maharaja of Mysore

Letter No H.3 C 212/27-28 dated the 4th August 1927, from the Deputy Commissioner, Shimoga, recommending sanction to the resolution of the Municipal Council Shimoga to pay a reward of 50% of the fine levied under the Cattle Cross Bass Act to impounders of stray cattle.

Order No. L. H097-8/ml 95-27-3

Dated, Bangalore, the 19th Jan 28

The payment, out of Municipal Funds, to impounders of cattle, of a reward equal to a half of the amount of fine levied in each case is approved. The payment will not be made out of the fine, which should be entirely be credited to Municipal Funds

For General Secretary to Govt.

To

The Deputy Commissioner, Shimoga
The Comptroller to Government
Copy to Protection Branch.
Copy to other Deputy Commissioners and to Municipal President, Mysore, and Municipal Commissioner, Bangalore City with his office file

Proceedings of the Government of His Highness the Maharaja of Mysore.

R e a d :-

Letter No.F.S.C.212/27-28 dated the 4th August 19 , from the Deputy Commissioner, Shimoga, recommending sanction to the remission of the Municipal Council, Shimoga [illegible] amount of one of the fine levied under the Cattle Trespass Rules and to impounders of stray cattle.

....

ORDER No. 4097-8/ml 95-27-3

Dated, Bangalore, the 19th January 1928.

The payment out of Municipal Funds, to impounders of cattle, of a reward equal to a half of the amount of fine levied in each case, is approved. The payment will not be made out of the fine. This should be suitably be credited to Municipal Funds.

Sd/- K. Venkatesa Iyengar.

for General Secretary to Government.

To

The Deputy Commissioner, Shimoga.
The Comptroller to the Government of Mysore.
Home Memo. 4099-108 Dated, Bangalore, 19th January 192.

Copy of the above, is forwarded, with compliments, to the Deputy Commissioner of District, for information.

By Order,

for General Secretary to Government.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read:-

Letter No.M.R.C.212/27-28 dated the 6th August 1927, from the Deputy Commissioner, Shimoga, recommending sanction to the resolution of the Municipal Council Shimoga to pay a reward of 8% of the fine levied under the Cattle Trespass Act to impounders of stray cattle.

ORDER NO.4.

Dated, Bangalore, the January 1928.

The payment, out of Municipal Funds, to impounders of cattle, of a reward equal to a half of the amount of fine levied in each case, is approved. The payment will not be made out of the fine. This should be entirely be credited to Municipal Funds.

M Venkatasubbaiya

For General Secretary to Government.

To

The Deputy Commissioner, Shimoga District.
The Comptroller to the Government of Mysore.

M.R.C.
12/1.